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NY

Practitioner's Docket No. <u>U 015125-9</u> **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

LADAS & PARRY LLP

In re application of:

11/02/2006 15:48 FAX

RAKESH TULI, ET AL.

Serial No.: 10/814,858

Group No.: 1633

Filed: MARCH 31, 2004

Examiner: MARVICH, MARIA

For:

ARTIFICIAL BIDRECTIONAL PROMOTER OF ACTIVATION OF GENE EXPRESSION

Mail Stop AF Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. 1.116 EXPEDITED PROCEDURE **EXAMINING GROUP 1633**

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand comer. Alternatively, this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is place must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 20-21).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION-FIRST PAGE

Reconsideration and further examination is respectfully requested in view of

the following amendments and remarks.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Amendment or Response after Final Rejection-First Page) 9-20.1

Amendments to the claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks commence on page 5.

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AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10* (When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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sed to the Commissioner for Patents, P. O. Box deposited with the United States Postal Sc 1450, Alexandria, VA 22313-1450. 37 C.F.R. 1.10* 37 C.F.R. 1.8(a) as "Express Mail Post Office to Address" with sufficient postage as first class mail.

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Date: November 2, 2006

X

Janet I. Cord

(type or print name of person certifying)

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment or Response After Final Rejection—Transmittal—page 1 of 4) 9-20

RECEIVED CENTRAL FAX CENTER NUV 0 2 2006

Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application. 1.

NOTE: Response to Final Rejection—Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of

	the date of the Office Action, If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).							
			STATUS					
2.	The application is qualified as							
		a small entity.						
	X	other than a small ent	ity.					
3.	-	roceedings herein are for term of up to six (6) mo	r a patent application and the provisi nths.	ons of 37 C.F.R. 1.136 apply				
		1	EXTENSION OF TERM					
NOTE:	As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G 34-35) states:							
		filing and/or entry of a Not of the shortened statutory j allowance. Of course, if a l has ceased to run."	een filed after a Final Office Action, an ext les of Appeal or filing and/or entry of an ada period unless the timely-filed response plac lotice of Appeal has been filed within the sh plete (a) or (b), as applicable)	litional amendment after expiration ed the application in condition for				
	(a)		itions for an extension of time und R. 1.17(a)(1)-(4)) for the total numb					
		Extension (months)	Fee for other than small entity	Fee for small entity				
		one month	\$ 120.00	\$ 60.00				
		two months	\$ 450.00	\$ 225.00				
		three months	\$ 1,020.00	\$ 510.00				
		four months	\$ 1,590.00	\$ 795.00				
		five months	\$ 2,160.00	\$ 1,080.00				

If additional extension of time is required, please consider this a petition therefor.

Fee:

(Amendment or Response After Final Rejection-Transmittal-page 2 of 4) 9-20

OTHER THAN A

(check and complete the next item, if applicable)

	s	xtension for months has already been secured and the fee paid therefor of is deducted from the total fee due for the total months of extension now ested.
		Extension fee due with this request \$
		OR
(b)	х	Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
		FEE FOR CLAIMS
The	fee for c	claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

				(Col. 3) SMALL ENTITY SMALL ENTITY						
	(Col.1)		(Col. 2)							
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee		
Total	•	Minus	**	=	x \$ 25=	\$		x \$50 =	\$	
Indep.	•	Minus	***	=	x \$100-	\$		x \$200=	\$	
☐ First	Presentati	on of Mul	tiple Depender	nt Claim	+ \$180 =	· \$		+ \$360 =	\$	
				·.	Total Addit. Fee	\$	OR	Total Addit. Fee	<u> </u>	

[•] If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

WARNING:

4.

See 37 C.F.R. § 1.116.

FEE PAYMENT

5. x No additional fee is required.

OR

(Admendenance RR appears Affect Binh Rajojetition Times with he paged 3684) 99380

^{**} If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

Ø 009/009

RECEIVED Total additional fee required is \$_____ CENTRAL FAX CENTER NOV 0 2 2006 Attached is a check in the sum of \$ Charge Account No. _____ the sum of \$___ A duplicate of this transmittal is attached. FEE DEFICIENCY OR OVERPAYMENT NOTE: Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33). If any additional extension and/or fee is required, charge Account No. 12-0425 6. \boxtimes AND/OR \times If any additional fee for claims is required, charge Account No. 12-0425 AND/OR × Refund any overpayment to Account No. 12-0425. SIGNATURE OF PRACTITIONER Reg. No.: 33,778 Janet I. Cord (type or print name of practitioner) Tel. No.: (212) 708-1935 P.O. Address c/o Ladas & Parry LLP 26 West 61st Street New York, N.Y. 10023 Customer No.:

(Amendment or Response After Final Rejection—Transmittal—page 4 of 4) 9-20

00140 PATENT TRADEMARK OFFICE